

REMARKS

The applicants have carefully considered the official action dated December 13, 2007. In view of the foregoing amendments and following remarks, it is respectfully submitted that all pending claims are in condition for allowance and favorable reconsideration is respectfully requested.

In the official action, pending claims 1-30 were rejected under 35 U.S.C. § 103 over Beadle et al. (U.S. Patent No. 6,530,075) in view of Xia et al. (U.S. Patent Publication No. 2004/0158813). The applicants respectfully traverse these rejections. Claim 1 recites, *inter alia*, generating a first native software instruction from a first instruction set based on a non-native software instruction and, if a threshold is exceeded, generating a second native software instruction from a second instruction set based on the non-native software instruction, wherein the second instruction set is different from the first instruction set.

At the outset, the applicants note that Beadle et al. describe a just in time compiler for translating Java bytecode into machine readable instructions. Java bytecode is an architecture neutral format and is not capable of being natively executed by a processor. As a result, the Java bytecode is decoded or compiled into native machine code for the processor to execute. In rejecting independent claims 1, 17, and 28, the examiner asserts that Beadle et al. describe that the first native instruction is generated by the interpreter and the second native instruction is generated by the compiler. However, in contrast to the recitations of claims 1, 17, and 28 in the present application, the interpreter and the compiler described by Beadle et al. generate software instructions from one instruction set. Rather, Beadle et al. describe compiling non-native instructions from a single instruction set using different types of compilers (e.g., an interpreter and a just in time compiler).

Accordingly, Beadle et al. do not describe the recitations of claims 1, 17, and 28. Furthermore, Xia et al. do not cure the deficiencies of Beadle et al. Thus, the applicants submit that independent claims 1, 17, and 28 and claims dependent thereon are in condition for allowance.

If the examiner is of the opinion that a telephone conference would expedite the prosecution of this case, the examiner is invited to contact the undersigned at the number identified below.

The Commissioner is hereby authorized to charge any deficiency in the amount enclosed or any additional fees which may be required during the pendency of this application to Deposit Account No. 50-2455.

Respectfully submitted,

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